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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,865	02/08/2002	Antonio Chiga	396/352	8712

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EXAMINER

SAVAGE, MATTHEW O

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 03/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,865

Applicant(s)

CHIGA, ANTONIO

Examiner

Matthew O Savage

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: .

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On line 1 of claim 1, "fluids, especially fuels" is considered a vague and indefinite statement of intended use. On line 11, "the main axis" lacks antecedent basis. On lines 15-16, "the chosen angular position" lacks antecedent basis.

Regarding claim 2, it is unclear as which aspect of the "cross-section" is being referred to, and as to which part of the "neck" is being referred to.

Concerning line 2 of claim 6, it is unclear as to which element "the same" refers to.

As to line 2 of claim 7, "or the like" is considered vague and indefinite.

On line 1 of claim 8, "the outer interior edge" lacks antecedent basis.

On lines 1-2 of claim 9, "the exterior" lacks antecedent basis.

Concerning claim 11, it is unclear as to what point of reference is used to define "downwardly".

On line 5 of claim 13, it is unclear as to what point of reference is used to define "axially".

On line 13 of claim 14, the term "predetermined" is variable and is considered vague and indefinite.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 13-16, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Chiga.

With respect to claim 1, Chiga discloses a supporting body 20 supporting a filter fabric 4 and keeping opposite sides of the filter body spaced from one another, a pump connection neck 8 provided on the exterior of the filter body, the interior of the filter body having an inlet opening (e.g., defined the filter fabric enclosing the frame part 20), the supporting body 20 being enclosed in the filter fabric 4 and connected to the exterior by the inlet opening and pump connection neck, the filter having a first part (e.g., the fabric enclosing part 18 therein) including the pump connection neck 8 and a second part (the fabric enclosing part 20 therein) positioned at an angle relative to the first part (see FIG. 2), the first part 18 being formed by a tubular body (e.g., defined by the filter fabric 4 surrounding part 18), the first end of the first part having the connection neck positioned at a right angle to the main axis of the tubular body, the second end of the tubular body having an axially extending inlet opening (e.g., adjacent hinge part 22), the tubular body opposite to the connection neck having an intake opening 10 covered by filter fabric 4, the filter body (e.g., the fabric enclosing part 20 therein) including the supporting body 20 and filter fabric 4 forming the second part and being fixedly connected to the tubular body (e.g., via hinge 22 and stop 24) at a chosen angular position.

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As to claim 2, Chiga discloses the intake opening as having a cross section as large as the pump connection neck (see FIGS. 1 and 3).

Concerning claim 4, Chiga discloses the supporting body 20 as being injection molded onto the filter fabric forming a first side of the filter body (see FIG. 2).

Regarding claim 5, Chiga discloses the filter fabric forming a second side of the filter body as being connected to the fabric forming the first side by a weld 46 forming at least part of the circumference of the filter body.

With respect to claim 13, Chiga discloses a first part (e.g., the fabric enclosing part 18 therein) having an axis, a pump connection neck 8 positioned at a substantially right angle with respect to the axis on a first end of the tubular body, an axially extending inlet opening on a second end of the tubular body opposite to the pump connection neck (e.g., adjacent hinge part 22), an inlet opening 10 covered by a filter fabric 4, a second part (e.g., the fabric enclosing part 20) including a supporting body 20 inside of a fabric envelope holding the envelope open, the supporting body being fixedly connected to the tubular body at a predetermined angle (e.g., via hinge part 22 and stop 24), the axially extending inlet opening providing fluid communication between the interior of the filter envelope and the tubular body.

With respect to claim 14, Chiga discloses a tubular body (e.g., the fabric 4 enclosing part 18 therein) having an axis, a first end, and a second end opposite the first end, a pump connection neck 8 positioned on the first end of the tubular body and having a filter outlet opening for mounting the filter on a fuel pump intake, the filter outlet opening having an axis at a right angle to the axis of the tubular body, an

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envelope of filter fabric (e.g., the fabric surrounding part 20) surrounding the inlet opening such that fuel entering the envelope can pass into the tubular body through the inlet opening, a supporting body 20 fixedly connected to the tubular body at the second end at a predetermined angle of the tubular body preventing the filter envelope from collapsing.

Concerning claim 15, Chiga discloses the supporting body as being injection molded onto the filter fabric forming the first side of the filter body (see FIG. 2).

Regarding claim 16, Chiga discloses the filter fabric forming a second side of the filter body as being connected to the fabric forming the first side by a weld 46 forming at least part of the circumference of the filter body.

As to claim 20, Chiga discloses an intake opening 10 covered by filter fabric 4 on the first end of the tubular body.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chiga.

Chiga fails to specify the tubular body formed by the filter fabric enclosing part 18 as being rectangular, however, the selection of such a shape is considered nothing more than one of numerous configurations one skilled in the art would find obvious in

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order to provide the tube shaped filter of Chiga (see In re Dailey, 149 USPQ 47 (CCPA 1976)).

Claims 9-12, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiga in view of Fitzpatrick et al.

With respect to claims 9 and 17, Chiga fails to specify a clamping device. Fitzpatrick et al discloses an analogous filter including a clamping device 70 located on the exterior of a tubular body 60 next to a pump connection neck 66 for mounting the filter on the suction side of a pump 14 and suggests that such an arrangement securely attaches the filter to the fuel pump via a mounting post 32. It would have been obvious to have modified the filter of Chiga so as to have included a clamping arrangement as suggested by Fitzpatrick et al in order to securely attach the filter to a fuel pump having a mounting post.

Concerning claims 10 and 18, Fitzpatrick et al disclose the clamping device as being a unitary lateral projection 70 of a tubular body 60 (see FIG. 3).

Concerning claims 11 and 19, Fitzpatrick et al disclose the clamping device as including a slot 86 surrounded by a downwardly extending skirt 88 having a slight conicity.

Regarding claim 12, Fitzpatrick et al fail to specify a conicity of about 3 degrees, however, such a modification would have been obvious in order to optimize the holding strength of the clamping device gripping for a particular post material and size.


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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is 703-308-3854. The examiner can normally be reached on Monday-Friday, 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda W. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Matthew O Savage
Primary Examiner
Art Unit 1723

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March 11, 2003